

Applicants: Richard Axel and Kristin Scott
Serial No.: 10/081,816
Filed: February 22, 2002
Page 10

REMARKS

Claims 1-3, 11-14, 16, 17, 21, 24, 27, 32, 38, 43-46 and 56 are pending and under examination in the subject application. Applicants have canceled claims 1-3, 11-14, 16, 17, 21, 24, 27, 32, 38, 43-46 and 56, and added new claims 57-72. New claims 59-72 correspond to old claims 1-3 and 5-17, respectively. The addition of new claims 57-72 was made in order to reintroduce certain previously canceled claims. Applicants maintain that new claims 57-72 raise no issue of new matter. Accordingly, claims 57-72 will be pending in the subject application upon entry of this Amendment.

Species Election

In the February 10, 2005 Office Action, the Examiner alleges that claims 1-3 are generic to a plurality of disclosed patentably distinct species of insect receptor protein comprising one of the 59 different amino acid sequences presented in SEQ. ID. NOS: 1-59. The Examiner indicated that the reply to this action must elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. Accordingly, applicant is required to elect a single disclosed species, even though this requirement is traversed. The Examiner also indicated that the reply must identify the claims readable on the elected species.

In response, applicants hereby elect the species corresponding to insect receptor protein Gr63F1 (SEQ. ID. NO:12), with traverse, for prosecution at this time.

Applicants: Richard Axel and Kristin Scott
Serial No.: 10/081,816
Filed: February 22, 2002
Page 11

The February 10, 2005 Office Action also requires a listing of all claims readable on the elected species. In response, applicants note that each of claims 59-72 read upon the elected species.

In addition, applicant notes that upon the allowance of a generic claim, consideration of claims to additional species which are written in dependent form are to be considered.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

No fee, other than the enclosed \$1,030.00 sum, is deemed necessary in connection with this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

~~Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450~~

Alan J. Morrison
Reg. No. 37,399

5/10/05

John P. White
Registration No. 28,678
Alan J. Morrison
Registration No. 37,399
Attorneys for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400